

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION
NO. 05CV11039EFH

SOUTHEAST FLOATING DOCKS, INC.,

Plaintiff

v.

AGM MARINE CONTRACTORS, INC.,
CHILDS ENGINEERING CORPORATION,
AND THE TOWN OF PROVINCETOWN,

Defendants

AFFIDAVIT OF RICHARD T. HOLLAND

I, Richard T. Holland, on oath, hereby depose and say as follows:

1. I am an attorney employed by Kopelman and Paige, P.C., which serves as Town Counsel to the Town of Provincetown.
2. In response to the February 4, 2005 arbitration Subpoena of Southeast Floating Docks, Inc. ("Southeast") issued to the Town in connection with an arbitration between Southeast and defendant AGM Marine Contractors, Inc. ("AGM"), I faxed on May 23, 2005 to Southeast's counsel, Attorney Rosemary Hayes, a written report dated January 6, 2004, prepared by Childs Engineering Corporation ("Childs"), and an undated power-point presentation document created by Simpson Gupertz Heger ("SGH"). Childs and SGH were retained by the Town in anticipation of litigation as a result of the failure of the so-called floating docks.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS FIFTEENTH
DAY OF NOVEMBER 2007.

/s/ Richard T. Holland
Richard T. Holland